

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

David Davies,)	C/A No.: 8:08-cv-648-GRA
)	
Plaintiff,)	
)	
v.)	ORDER
)	(Written Opinion)
Lonnie Owens, Laurens County Sheriff's)	
Department, and Ware Shoals Dragway,)	
Inc.,)	
)	
Defendants.)	
)	

This matter comes before the Court on the plaintiff's motion to remand, filed on March 4, 2008. Plaintiff originally filed this action in the Greenwood County Court of Common Pleas on January 22, 2008. Defendant Laurens County Sheriff's Department (LCSD) removed this case on February 26, 2008, because the complaint contained a federal question. On February 27, 2008, the plaintiff properly amended his complaint to remove all federal questions and, subsequently, filed the immediate motion to remand. Defendants LCSD and Ware Shoals Dragway have consented to remand; however, Defendant Owens has not consented, but neither has Owens contested or opposed remand.

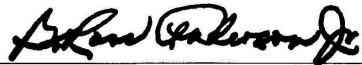
"If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded." 28 U.S.C. § 1447 (West 2008). The United States District Court is a Court of limited jurisdiction. Its subject matter jurisdiction only extends to cases involving diversity of citizenship, *see* 28

U.S.C. § 1332, or cases arising under the federal law, *see* 28 U.S.C. § 1331. It does not appear from the face of the complaint that this action properly invokes either diversity or federal question jurisdiction—all of the parties are domiciled in South Carolina and there are no federal questions in the complaint. Therefore, this Court is without subject matter jurisdiction to hear it, and remand is proper.

Defendant LCSD filed a motion to change venue with its motion in support of remand. This is a question properly left to the state court after remand.

IT IS THEREFORE SO ORDERED THAT, pursuant to 28 U.S.C. § 1447, this action be REMANDED to the Greenwood County Court of Common Pleas.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

March 25, 2008
Anderson, South Carolina